

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

ADAMS EMS, INC., §
§
Plaintiff, §
§
vs. § **CIVIL ACTION NO. 4:17-cv-2670**
§
§
ERIC D. HARGAN,¹ Acting §
Secretary, UNITED STATES §
DEPARTMENT OF HEALTH & §
HUMAN SERVICES, §
§
Defendant. §

PLAINTIFF'S VOLUNTARY NOTICE OF DISMISSAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Adams EMS, INC., Plaintiff herein, and voluntarily notices dismissal of Defendant pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

1. Plaintiff filed its complaint for mandamus and, alternatively, declaratory judgment, injunctive relief, and attorney fees against Thomas E. Price, M.D., Secretary of the United States Department of Health and Human Services on September 5, 2017 (Dkt. 1).
2. Defendant was served and has not filed an answer or a motion for summary judgment in this case. Defendant has filed a Motion to Dismiss (Dkt. 5).
3. The Court never certified this case as a class action pursuant to Rule 23.
4. This case is not a derivative action under Federal Rule of Civil Procedure 23.1,

¹ On October 10, 2017, Eric D. Hargan was appointed as Acting Secretary to replace the former Secretary of Health & Human Services, Thomas E. Price, M.D.

or an action related to an unincorporated association under Rule 23.2.

5. A receiver was not appointed in this case.
6. This case is not governed by any federal statute that requires a Court order for dismissal.
7. Plaintiff files this notice of dismissal with the intention of dismissing the case under Rule 41(a)(1)(A)(i) without prejudice to refiling.

Respectfully submitted,

KENNEDY
Attorneys & Counselors at Law

/s/ C. Trey Scott

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 27th of November, 2017, a copy of Plaintiff's voluntary notice of dismissal was served on all counsel of record via the court's electronic filing system.

/s/ C. Trey Scott

C. TREY SCOTT